

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	H.J. Glaser et al.	Examiner:	K.A. Gross
Serial No.:	09/687,033	Group Art Unit:	2122
Filed:	October 12, 2000	Docket No.:	STL920000062US1
TITLE:	METHOD, SYSTEM, COMPUTER PROGRAM, AND ARTICLE OF MANUFACTURE FOR INSTALLATION AND CONFIGURATION OF A COMPUTER PROGRAM ACCORDING TO A STORED CONFIGURATION		

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Applicants request a pre-appeal brief review of the rejection of the claims as anticipated by U.S. Pat. No. 6,226,618 to Downs et al. (hereinafter the “Downs reference”) in the Final Office Action dated February 28, 2006. (“Final Office Action”).

Claim 8 is directed to a "method of installing an application program for execution on a data processing system" comprising *inter alia* "defining a user configuration of the application program installation corresponding to a particular user of the application program; encrypting and storing the user application program installation configuration in a manifest file; determining that the stored user application program installation configuration corresponds to the particular user; authenticating the particular user in response to the particular user requesting the application program; decrypting the manifest file in response to the user authentication; and building the application program pursuant to the user application program installation configuration decrypted from the manifest file." It is the Examiner's position that the Downs reference teaches "defining a user configuration of the application program installation corresponding to a particular user of the application program" citing column 80, lines 20-30 of the Downs reference. However, it is clear that the Examiner's citation discusses configuring a "helper" application to a web browser, not "defining a user configuration of the application program installation corresponding to a particular user of the application program":

It unpacks and installs both the Helper Application 198 and the Player application 195 and also configure[s] the Helper Application 198 to the installed Web Browser(s). Downs, col. 80, lines 22 *et seq.*

A web browser is of course quite different from a particular user. As used in the present application, the term “user” refers to a human individual, not a web browser:

Preferably, users should be able to move between different workstations, and still be able to access their tools and data, another potential advantage of a thin client. Present application, page 3, lines 19 *et seq.*

In the Advisory Action, the Examiner took the position that applicants’ claim “doesn’t preclude or exclude a Browser and hence since the End-User’s Browser is configured upon installation Examiner has interpreted this to be equivalent to Applicant’s claimed limitation.” The Examiner is clearly mistaken. It is the Helper Application 198 which is installed and configured in the Downs reference, not the Browser which is clearly preexisting. Moreover, to be an anticipation, the Downs reference must teach the same operation, not merely an “equivalent” operation.

The Examiner has also cited col. 27, lines 10-30 of the Downs reference as meeting the recited “defining” recitation. However, it is clear that this citation is directed to using configuration files from the End User Device 109 to build an Order Secure Content (SC) 650, not build or configure the Helper application 198. At that time, the Helper application 198 is already installed so that it can build the Order SC. Moreover, the Clearinghouse 105 uses the Order SC 650 to provide the End User Device 109 with that which is required to a License Watermark 527 and to access purchased Content 113 such as a copyrighted sound recording (Downs, col. 27, lines 18 *et seq.*), not the Helper application 198 which is already installed. The Examiner has not cited any teaching or suggestion that the “downloadable Content 113” of the Downs reference is in any manner configured for a particular user pursuant to a user application program installation configuration decrypted from a manifest file defined for a particular user.

Similarly, it is the Examiner’s position that the Downs reference teaches “building the application program pursuant to the user application program installation configuration decrypted from the manifest file” citing column 70, line 63 to column 71, line 9 of the Downs reference. However, it appears that the Examiner’s citation is directed to a method for an Electronic Digital Content Store 103 to offer Content 113 for sale. The Examiner’s citation fails

to provide any teaching or suggestion of “building the application program pursuant to the user application program installation configuration decrypted from the manifest file.” As set forth above, the Examiner has not cited any teaching or suggestion that the “downloadable Content 113” of the Downs reference is in any manner configured for a particular user pursuant to a user application program installation configuration decrypted from a manifest file defined for a particular user. Moreover, configuring a helper application to a web browser is simply not “building the application program pursuant to the user application program installation configuration decrypted from the manifest file” as required by claim 8.

It is the Examiner’s position that the Downs reference teaches “encrypting and storing the user application program installation configuration in a manifest file” citing column 80, lines 29-31 of the Downs reference. However, it is clear that the Examiner’s citation discusses an encryption capability of the already installed Helper application 198 used in processing Order and License SCs, not for installing the Helper application 198 itself. Thus, it is clear that the Examiner’s citation does not in any manner teach or suggest “encrypting and storing the user application program installation configuration in a manifest file.”

In the Advisory Action, the Examiner has taken the position that the Downs references discloses that “the content 113 in particular is encrypted and packed,” citing columns 66, lines 40-45 and 50-65. However, in that the Examiner has failed to cite any teaching or suggestion in the Downs reference that the content 113 (which includes copyrighted songs) is used to configure the installation of the Helper application 198, the encryption of the songs or other content 113 is irrelevant. In other words, the Examiner has failed to cite any teaching or suggestion in the Downs reference to use encrypted copyrighted songs to store a “user application program installation configuration” as required by the claims.

It is the Examiner’s position that the Downs reference teaches “determining that the stored user application program installation configuration corresponds to the particular user” citing column 79, lines 32-41 of the Downs reference. However, it is clear that the Examiner’s citation discusses the Helper application 198 processing SCs and adding Content 113 to the Digital Content Library 196 of the End User. Again, the Examiner has not cited any teaching or suggestion that the “downloadable Content 113” of the Downs reference is in any manner configured for a particular user pursuant to a user application program installation configuration decrypted from a manifest file and defined for a particular user. With respect to the Helper

application 198, the Helper application is of course already installed so that it can perform the indicated SC processing and Content 113 adding. Thus, it is clear that the Examination's citation to the Downs reference does not teach or suggest "determining that the stored user application program installation configuration corresponds to the particular user."

The remaining "authenticating" and "decrypting" recitations of claim 8 are similarly not met by the Examiner's citations to the Downs reference. These citations appear to be directed to various portions of the method of processing the SCs and adding Content 113. They do not appear to be related to the installation of the Helper application 198. Instead, it is believed that the Helper application 198 is to be installed before any SCs may be processed or Content 113 added. Conversely, the Examiner has not cited any teaching or suggestion that the "downloadable Content 113" of the Downs reference is in any manner configured for a particular user pursuant to a user application program installation configuration decrypted from a manifest file and defined for a particular user.

In the Advisory Action, the Examiner has taken the position that the "entire package which includes the helper application is decrypted." Applicants respectfully submit that the Examiner's position is entirely unsupported by the Examiner's citations to the Downs reference. Instead, it appears that while individual copyrighted songs may be decrypted, the Examiner has cited no teaching or suggestion that a "manifest file" is decrypted for "building the application program pursuant to the user application program installation configuration decrypted from the manifest file" as required by the claims.

Independent claims 1 and 15 may be distinguished in a similar fashion. Claims 2-7, 9-14 and 16-21 depend either directly or indirectly from claims 1, 8 or 15. Accordingly, the rejection of these claims is improper for the reasons given above. Moreover, claims 2-7, 9-14 and 16-21 include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art.

The Examiner has made various comments concerning the anticipation or obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner's comments are deemed moot in view of the above response.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-21 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: August 25, 2006\_

By:       /William Konrad/      

William K. Konrad  
Registration No. 28,868

Please direct all correspondences to:

David Victor  
Konrad Raynes & Victor, LLP  
315 South Beverly Drive, Ste. 210  
Beverly Hills, CA 90212  
Tel: 310-553-7977  
Fax: 310-556-7984